IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 10184 of 2007(K)

PETITIONER:

K.K.GEORGE, S/O KURIAN, AGED 44 YEARS
THE MANAGER, ST.MARY'S ENGLISH MEDIUM
L.P.SCHOOL, ELANJI, ERNAKULAM DISTRICT

BY ADV. SRI.ALEXANDER JOSEPH

RESPONDENTS:
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1. **STATE OF KERALA, REP. BY THE SERCRETARY TO GOVT.**
   GENERAL EDUCATION DEPT. GOVT. OF KERALA
   SECRETARIAT, THIRUVANANTHAPURAM

2. **THE DIRECTOR OF PUBLIC INSTRUCTION,**
   THIRUVANANTHAPURAM

3. **THE DEPUTY DIRECTOR OF EDUCATION**
   ERNAKULAM

BY GOVT.PLEADER SRI.T.T.MUHAMMED

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

W.P.(C).No.10184 OF 2007

Dated this the 23rd day of March, 2007

JUDGMENT

Petitioner is the manager of an unaided unrecognised school. He seeks a direction to quash Ext.P2 and clause 3 of Ext.P3. He further seeks a direction to allow the petitioner to conduct examination upto standard IV in the school itself and to issue Transfer Certificate for the academic year 2006-07. He also seeks a direction to pass orders on Ext.P6 in the light of Ext.P5 judgment.

2. Petitioner has filed an affidavit undertaking that petitioner's school will apply the provisions of KER with full vigor from the next year onwards and that private study in the petitioner's school will be confined upto and inclusive of standard V from the next academic year(2007-08) and from the next academic year petitioner's school will enable the students to pursue

their studies in Government/aided/recognised institutions from standard VI onwards.

3. I heard learned Government Pleader also.

4. Learned counsel for the petitioner submits that petitioner will file an application seeking permission to conduct examination upto standard IV in the school itself and to issue Transfer Certificate for the academic year 2006-07.

In view of the affidavit filed, the writ petition is disposed of directing the third respondent to consider and pass orders on Ext.P6 application filed by the petitioner for permitting the petitioner to conduct annual examinations upto standards IV and to issue Transfer certificates on the basis of the order dated 11-12-2001 within one week from the date of receipt of a copy of this judgment. Subject to the above, impugned clause is upheld.

K.M.JOSEPH
JUDGE

sv.